

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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WAYNE D. CONTE,  
Plaintiff,  
v.

UNITED STATES OFFICE OF PERSONNEL  
MANAGEMENT, DOES 1 THROUGH X,  
Defendants.

Case No. 2:24-cv-00949-CDS-EJY

**REPORT AND RECOMMENDATION**

In May 2024, Plaintiff, proceeding *pro se*, submitted an application to proceed *in forma pauperis* (IFP”), which was granted (ECF No. 6) together with a Complaint against United States Office of Personnel Management. ECF No. 1-1. The Court dismissed Plaintiff’s Complaint because the only named defendant was immune from suit; however, the Court granted Plaintiff leave to amend. ECF No. 6. Plaintiff’s amended complaint was due no later than June 24, 2024. *Id.* at 2. The Court explained it would recommend dismissal without prejudice if Plaintiff failed to timely comply with the Court’s Order. *Id.* As of the date of this Recommendation, Plaintiff has not complied with the Court’s Order.

Accordingly, IT IS HEREBY RECOMMENDED that this matter be dismissed without prejudice for failure to comply with the Court’s Order.

Dated this 30th day of September, 2024.

  
ELAYNA J. YOUCHAK  
UNITED STATES MAGISTRATE JUDGE

**NOTICE**

Under Local Rule IB 3-2, any objection to this Finding and Recommendation must be in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also

1 held that (1) failure to file objections within the specified time and (2) failure to properly address  
2 and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal  
3 factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir.  
4 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).